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**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

U.S. COMMODITY FUTURES  
TRADING COMMISSION,  
Plaintiff,

v.

Case No. 09-cv-3332 (MJD/FLN)

TREVOR COOK et al.,  
Defendants,

R.J. ZAYED,  
Receiver.

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UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,  
Plaintiff,

v.

Case No. 09-cv-3333 (MJD/FLN)

TREVOR G. COOK, et al.,  
Defendants,

R.J. ZAYED,  
Receiver.

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UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,  
Plaintiff,

v.

Case No. 11-cv-574 (MJD/FLN)

JASON BO-ALAN BECKMAN, et al.,  
Defendants,

R.J. ZAYED,  
Receiver.

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## **ORDER APPROVING FIFTH INTERIM DISTRIBUTION**

THIS MATTER came before the Court upon the Receiver's Motion to approve the Receiver's plan for a Fifth Interim Distribution.

The Court having considered the pleadings, files and records before it, and being fully advised in the premises,

### **IT IS HEREBY ORDERED THAT:**

1. The Receiver's motion is granted.
2. The Receiver shall make a fifth interim distribution in these civil cases of approximately \$1.7 million on a *pro rata* basis to claimants identified in the Receiver's Second Amended Final Claims List as follows:
  - a. The Receiver shall adjust the *pro rata* shares of the claimants identified in the Second Amended Final Claims List such that the total restitution received by all claimants from all sources is approximately equal;
  - b. Any claimant whose overall recovery rate exceeds the median recovery rate for all claimants shall have this and future distributions reduced or otherwise adjusted until such time that his or her overall recovery rate is on par with the overall recovery rate of the remaining claimants;
  - c. No claimant shall receive additional funds from the Receiver until such time that the median recovery rate by all other claimants reaches the same *pro rata* recovery rate obtained by the claimant through any settlements and previous distributions;

- d. The Receiver shall not make any distributions to claimants who have not returned the excess amounts from the Third Interim Distribution, but rather credit to the Clerk of Court the *pro rata* shares for these claimants, until such time that their overall recovery rates are on par with the overall recovery rate of the remaining claimants; and
- e. In accordance with the terms of their settlement agreements, David Buysse, Steven and Pamela Cheney, Walter Defiel, Terry Frahm, Steven and Jenene Fredell, Michael and Jennifer Heise, Michael and Cynthia Hillesheim, Larry Hopfenspirger, Steven Kautzman, James McIntosh, George and Karen Morrisset, Reynold Sundstrom, and Dot Anderson shall not receive any portion of the funds distributed in the Fifth Interim Distribution.

SO ORDERED.

Dated: June 7, 2013

s/ Michael J. Davis  
The Honorable Michael J. Davis  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT